



# PUBLIC NOTICE

Federal Communications Commission  
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DA 12-1498

Released: September 14, 2012

## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST BY CUSTER TELEPHONE COOPERATIVE, INC. FOR WAIVER AND EXTENSION OF TIME TO CONSTRUCT CELLULAR LICENSES

WT Docket 12-259

**Comment Date: October 15, 2012**

**Reply Comment Date: October 30, 2012**

By this *Public Notice*, the Wireless Telecommunications Bureau (Bureau) seeks comment on the request for a waiver of Section 22.946<sup>1</sup> of the Commission's Rules and extension of time filed by Custer Telephone Cooperative, Inc. to meet its construction deadline for Cellular license WQOA586.<sup>2</sup> Section 22.946(c) of the Commission's Rules establishes a one-year construction deadline from the date of authorization for new or modified cellular facilities.<sup>3</sup>

Custer requests a one-year extension (until July 26, 2013) of the construction requirement applicable to four of its B-block Cellular locations under Call Sign WQOA586.<sup>4</sup> In regard to the Windy Devil location, Custer states that the Salmon-Challis National Forest ("National Forest") required Custer to explore collocation options before the consideration of a new ground lease. Custer states that after it was unable to collocate with Alltel, it has been diligently working to collocate on an AT&T site in the National Forest and that process is still continuing.<sup>5</sup> In regard to the Stanley location, Custer states after approaching three separate structure owners, it has been diligently working with the City of Stanley to collocate next to the building of the Sawtooth Valley Rural Volunteer Fire Department, and that process is also continuing.<sup>6</sup>

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<sup>1</sup> Pursuant to section 22.946(c) of the Commission's rules, the construction period for new or modified cellular facilities for which a separate authorization is granted is one year, beginning on the date the authorization is granted. See 47 C.F.R. § 22.946(c). In addition, in order to comply with section 22.946(c) of the Commission's rules, licensees must be "providing service" as outlined in section 22.946(b) of the Commission's rules. See 47 C.F.R. § 22.946(b).

<sup>2</sup> See Custer Telephone Cooperative, Inc. (Custer) Limited Waiver and Extension of Time to Construct Cellular Radiotelephone Facilities (filed Jul. 6 2012) ULS File Number 0005297861 (Custer Extension Request).

<sup>3</sup> See 47 C.F.R. § 22.946(c).

<sup>4</sup> Custer seeks an extension of time to construct for the following sites: Location 1- Challis, ID (Site Name: Challis); Location 2- Dickey, ID (Site Name: Willow Creek); Location 3- Mackay, ID (Site Name: Windy Devil); Location 4- Stanley, ID (Site Name: Stanley). (Custer Extension Request at 1).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 2.

Custer reports that it will utilize its own existing A-block tower facilities for its Challis and Willow Creek locations.<sup>7</sup> Custer contends that it could put up a cellular system with the Challis and Willow Creek sites just to meet the respective site construction requirements, but such a system would not meet the standards of the other cellular system currently operated by Custer.<sup>8</sup> Specifically, Custer contends that its B block cell system configuration involved four sites (two locations are essentially blocked at this time), and allowing more time to implement all four sites at once will improve cell system functionality, improve cell site handoffs, and reduce potential dropped call/cell service disruptions for the newly established unserved area cellular system.

Custer asserts that the inability to complete construction of the Windy Devil and Stanley locations by the construction deadline is due to circumstances beyond its control and that application of the one-year construction deadline would be contrary to the public interest.<sup>9</sup> Custer further states that if the Commission grants additional time to construct the Challis and Willow Creek sites, as well as Windy Devil and Stanley, it “will ensure the deployment of state-of-the-art digital service in the previously unserved areas within Idaho RSA #3.”<sup>10</sup>

## Procedural Matters

Comments on the request are due **no later than October 15, 2012**. Reply comments are due **no later than October 30, 2012**. All filings should reference the docket number of this proceeding, **WT 12-259**.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.<sup>11</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to

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<sup>7</sup> Custer operates facilities from the Challis and Willow Creek sites under its cellular A block authorization for Call Sign WPOL948- CMA390, Idaho 3 – Lemhi. *See* Custer Extension Request at 2.

<sup>8</sup> *Id.* at 3.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

[http:// www.fcc.gov/cgb/ecfs/](http://www.fcc.gov/cgb/ecfs/). Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

-Effective December 28, 2009, all hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** The Commission's former filing location at 236 Massachusetts Ave., N.E. is permanently closed.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, DC 20554.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC 20554, (800) 378-3160, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

The request, and comments and reply comments filed in response to this *Public Notice* are available for viewing via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, **WT 12-259**. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, DC 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov).

For further information, contact Mr. Moslem Sawez of the Mobility Division, Wireless Telecommunications Bureau at (202) 418-8211, or via e-mail at [moslem.sawez@fcc.gov](mailto:moslem.sawez@fcc.gov).

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

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